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EVIDENCE — ILLEGALLY OBTAINED EVIDENCE — UNLAWFUL SEARCH OF PERSON. — The defendant was illegally arrested and searched, on suspicion that he was implicated in a recent murder. He was found to be carrying a concealed weapon. *Held*, that evidence of this fact was improperly admitted in a trial for carrying a concealed weapon. *Jackson v. State*, 66 S. E. 982 (Ga., Ct. App.).

At common law, evidence was never excluded because illegally obtained. *Bishop Atterbury's Trial*, 16 How. St. Tr. 323, 495. And in a prior well-considered case, the Georgia Supreme Court held, in accordance with the weight of authority, that a constitutional prohibition against unreasonable searches and seizures did not alter this rule, with regard to evidence so obtained. *Williams v. State*, 100 Ga. 511. But see *Boyd v. United States*, 116 U. S. 616. The principal case, however, was put on the ground that since the evidence was conclusive of the defendant's guilt, it was equivalent to an involuntary confession, and hence inadmissible. But confessions, according to the better opinion, are excluded only when the method of obtaining them renders them unworthy of credit. See *Commonwealth v. Morey*, 1 Gray (Mass.) 461. The fact that the production of this evidence was not due to the defendant's own act is also fatal to the contention that the defendant, in spite of his constitutional privilege, was compelled to give testimony tending to incriminate himself. *Chastang v. State*, 83 Ala. 29. Consequently, if this decision is upheld, it will practically nullify the effect of the earlier ruling in the same jurisdiction. The case illustrates the tendency of the courts to favor defendants in criminal actions at the expense of settled principles of law.

EXECUTORS AND ADMINISTRATORS — RIGHTS, POWERS, AND DUTIES — EXECUTOR'S RIGHT TO REIMBURSEMENT FOR EXPENSES OF UNSUCCESSFUL CONTEST. — The plaintiff, as executor, offered a will for probate and defended it in a contest which resulted in its disallowance. The plaintiff then sought to recover from the administrator his expenses in the probate proceedings. *Held*, that the plaintiff cannot recover. *Dodd v. Anderson*, 42 N. Y. L. J. 2189 (N. Y., Ct. App., Feb. 15, 1910).

An executor named in a will which is not admitted to probate can be reimbursed out of the estate for expenses fairly incident to his duty as proponent. See 2 WOERNER, AMERICAN LAW OF ADMINISTRATION, § 517. But the authorities are in conflict as to how far his duty requires him to defend the will. By some decisions an executor should merely offer the will for probate and not enter a contest of *devisavii vel non* with the heirs at law. *Brown v. Vinyard*, Bailey Eq. (S. C.) 460, 462. See *Yerkes's Appeal*, 99 Pa. St. 401. If he does defend, he must look to the devisees and legatees for his expenses. *Shaw v. Moderwell*, 104 Ill. 64, 70. See *Yerkes's Appeal*, *supra*. Other courts require an executor reasonably believing the will to be valid, to exhaust all legal means to establish it. *Lassiter v. Travis*, 98 Tenn. 330; *Henderson v. Simmons*, 33 Ala. 201; *Phillips' Ex'r v. Phillips' Adm'r*, 81 Ky. 328. The executor is here regarded as the guardian *ad litem* of the devisees. *Hazard v. Engs*, 14 R. I. 5. But that affords no reason why the heirs at law should pay the costs of an unsuccessful effort to deprive them of their property. It is submitted that the main case properly puts the burden upon those who will receive the benefit.

INSURANCE — CONSTRUCTION AND OPERATION OF CONDITIONS — "SELF-DESTRUCTION, WHETHER SANE OR INSANE." — A life insurance policy provided that "in the event of the death of the insured by self-destruction, whether sane or insane, . . . the liability of the company shall be only for the return of the premiums." When the insured shot himself he was so insane as not to know that he was taking his life. *Held*, that the beneficiary may recover the full amount of the insurance. *Inter-Southern Life Insurance Co. v. Boyd*, 124 S. W. 333 (Ky.). See NOTES, p. 557.